

201 KAR 11:240. Distance education requirements.

RELATES TO: KRS 324.046(5), 324.085(1), (2), 324.281(7)

STATUTORY AUTHORITY: KRS 324.085(1), (4), 324.281(5), (7), (8), 324.282

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.282 authorizes the Kentucky Real Estate Commission to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS Chapter 324. KRS 324.085(4) requires the commission to promulgate administrative regulations for implementing continuing education and post-education requirements and instructor approval. This administrative regulation establishes the requirements for courses offered through distance education.

Section 1. Definitions. (1) "Continuing education course" means a course approved pursuant to the requirements set forth in KRS 324.085(1) and 201 KAR 11:230.

(2) "Distance education course" means a continuing or post-license education course or a pre-license course that:

- (a) Is taught in a setting in which the teacher and the student are in separate locations; and
- (b) Uses instructional methods that include internet-based training, computer-based training (CBT), satellite transmission, or teleconferencing.

(3) "Post-license education course" means a course that satisfies the forty-eight (48) hours of education that is required within two (2) years of receiving or activating an initial sales associate license.

(4) "Pre-license course" means a course that satisfies an education requirement to obtain a real estate sales associate's or broker's license, generally consisting of forty-eight (48) fifty (50) minute hours or more.

Section 2. Distance Education Standards for Approval. (1)(a) The design and format of all continuing education, post-license education, and pre-license courses offered through means of distance education shall satisfy the requirements of this administrative regulation and Distance Education Guidelines of the commission.

(b) Continuing education, post-license education, and pre-license courses conducted for academic credit in an accredited college or university via interactive television shall be exempt from paragraph (a) of this subsection, but shall satisfy the requirements established in Section 5 of this administrative regulation.

(2) A course shall be offered only in the delivery format in which it was approved.

(3)(a) An instructor for a distance education course shall be approved by the commission pursuant to the requirements set out in 201 KAR 11:175.

(b) Each course shall have an approved instructor available to answer questions from students.

(c) The individual applying for approval as an instructor shall complete the course before submitting the application to the commission for its approval and shall submit evidence of course completion with the application.

(4)(a) Course content shall be approved as established in 201 KAR 11:170, 201 KAR 11:230, and 201 KAR 11:235.

(b) The content of the course shall be in a topic specifically related to real estate.

(c) License law or regulations from other states and general skills computer classes shall not satisfy this course-content requirement.

(5)(a) The provider shall be approved by the commission and meet all other requirements for education as established in KRS Chapter 324 and its administrative regulations.

(b) A course shall be open to all licensees.

Section 3. Distance Education Course Requirements. A distance education course shall provide mastery of the material and be developed in accordance with this section.

(1) The material shall be divided into learning units, modules, or chapters. Each unit shall contain learning objectives that are comprehensive enough to ensure that the course will likely be mastered by the student upon completion of the material.

(2) The course shall provide a structured learning method designed to enable students to attain each objective.

(3) The course shall:

(a) Provide a means to assess the student's performance on a regular basis during each unit of instruction and before proceeding to the next unit; and

(b) Provide a method for tracking the length of time a student spends on the course.

(4) A student shall not be able to bypass the course materials and advance directly to the end-of-module quizzes or exercises that are included to assess the student's performance.

(5) Security shall be provided to ensure that the student receiving credit is the one who actually completes the course.

(6)(a) For a continuing and post-license education course, the student shall pass a final exam with a score of at least seventy-five (75) percent that shall be included as the last module of the course, in order to receive credit.

(b) No more than two (2) retakes of the final examination shall be allowed.

(c) Each course shall have an item bank from which the final examination questions shall be pulled.

(d) The bank shall contain multiple choice items and have forty (40) percent more questions than required on the final examination, so that retake exams will contain unique new questions.

(e) The final examination shall have a minimum of five (5) questions for each approved hour of education.

(7)(a) A pre-license distance education course shall contain a monitored final examination arranged for the student by the instructor for the course.

(b) The examination shall cover both the content area covered by the course and the applicable real estate laws and administrative regulations that apply to those content areas.

(c) Each course shall have an item bank from which the final examination questions shall be pulled.

(d) The bank shall contain multiple choice items and have forty (40) percent more questions than required on the final examination, so that retake exams will have some unique new questions.

(e)a. A forty-eight (48) hour course shall contain a minimum of fifty (50) items.

(f) A ninety-six (96) hour course shall contain at least 100 questions.

(g) More than two (2) retakes of the exam shall not be allowed.

(h)1. A pre-license final examination shall be monitored by the approved instructor for the course or another individual designated by the instructor who is not a relative or a business associate of the student.

2. The monitor may be:

a. A certified librarian;

b. A public school administrator;

c. A college professor;

d. Other real estate instructor associated with the school that offers the course; or

e. A monitor from a qualified online test monitoring service.

3. The monitor shall sign a statement that he or she is not affiliated with the student in any

way.

4. The monitor shall:

- a. Verify that the person taking the examination is the person registered for the course;
- b. Observe the student taking the exam;
- c. Assure that the student does not use aids of any kind;
- d. Assure that a calculator is nonprogrammable;
- e. Assure that limitations on the final examination are not exceeded;
- f. Certify to the provider that all requirements for the final examination have been met;
- g. Submit to the provider a signed and notarized statement to that effect; and
- h. Assure that any student's mobile device, cell phone, or camera is shut down and put away, while at the test site.

(i)1. Each student shall complete an affidavit that certifies that he or she has personally completed all components of the course and the final exam with no assistance from persons other than the instructor.

2. The certification shall include the date of completion and the student's signature, which may be provided electronically.

3. Credit shall be denied and disciplinary action taken if it is determined that a licensee received assistance on a distance education course or the final exam.

4.a. To obtain credit for a distance education course, a licensee shall complete the course within the time frame allotted by the school for pre-license courses or within the calendar year for continuing and post-license education, unless the licensee is completing the course to comply with a continuing education delinquency plan as outlined in 201 KAR 11:230, or to comply with an order of the commission.

b. The completion date for all courses shall be the date the student completes the final examination with a passing score of at least seventy-five (75) percent, and submits the evaluation and the student affidavit.

Section 4. Distance Education Provider Requirements. (1)(a) A provider shall submit the appropriate application for approval and the Distance Education Checklist and Information Sheets – Form E114.

(b) The application shall include:

1. A complete copy of the program on the medium that is to be used;
2. All hardware or software required to review the material;
3. A link to the internet site;
4. A copy of the final examination question bank and key for each course; and
5. A copy of any student materials.

(c) The application and other required documents shall be submitted at least sixty (60) days prior to the commission's meeting date, to allow adequate time for review.

(2) The provider shall have reasonable oversight to monitor a student's work and electronic access in order to ensure that the student completing the work is the one who is enrolled in the course.

(3)(a) The provider shall ensure that approved instructors are available to assist students who have questions regarding:

1. The technology used in the delivery;
2. The course content; or
3. The completion requirements.

(b) A student shall not be required to call more than one (1) person to obtain answers to questions about the course.

(4)(a) The provider shall include a complete description of the hardware and software or

other technology required by the student in order to complete the course.

(b) The provider shall include an explanation of the safeguards against loss of data resulting from inadvertent hardware or software failure.

(5) The provider shall include a detailed explanation of how the course measures, documents and records the student completion of the material, and any activities or exercises required to achieve mastery of the material.

(6)(a) The provider shall obtain an evaluation from each student.

(b) An evaluation may be submitted to the provider electronically and a copy of each form shall be returned along with the attendance roster and other documents required by the commission for continuing education courses.

(c) Attendance rosters for each approved continuing and post-license education course shall be submitted on a semi-monthly basis and shall include:

1. Provider's name;
2. Course name and number assigned by the commission;
3. Total enrollment for the month;
4. Licensee's full legal name;
5. Licensee's residence address;
6. Licensee's identifying information; and

7. The date of completion for each student, so that compliance with various deadlines can be verified.

(d) A completion certificate shall be issued to the student upon completion of the course, submission of the evaluation, signing of the affidavit, and passing the final exam.

(7)(a) For a pre-license course, a provider shall issue a completion certificate to the student. The document shall contain:

1. The provider's name;
2. Course name;
3. Number of hours earned;
4. Beginning and completion date for the course;
5. Student's full legal name; and
6. Licensee's residence address.

(b) This document shall be submitted with the student's license application.

Section 5. Interactive Television Requirements. (1) A course offered for academic credit via interactive television in an accredited college or university shall include:

(a) Two (2) way audio and video connections between the instructor and the student; and

(b) College personnel stationed at each remote site to handle technology problems that may arise and to monitor attendance of students during the class.

(2) The program shall be one that has been properly approved by the college accrediting body as fulfilling the requirements for academic credit.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Distance Education Checklist and Information Sheets – Form E114", 06/15 edition, Kentucky Real Estate Commission; and

(b) "Distance Education Guidelines", 9/2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. (34 Ky.R. 893; 1945; eff. 3-7-2008; 42 Ky.R. 473; 1475; eff. 12-4-2015.)